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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC - 2 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of

MARC SOBEL

Applicant for Certain Part 90 Authorizations in the
Los Angeles Area and Requestor of Certain
Finder's Preferences

MARC SOBEL AND MARC SOBEL
D/B/A AIR WAVE COMMUNICATIONS

Licensee of Certain Part 90 Stations in the
Los Angeles Area

WT Docket No. 97-56

To: The Commission

MOTION FOR EXTENSION OF TIME

Marc D. Sobel d/b/a Air Wave Communications ("Sobel"), by his attorney and pursuant to Section 1.46 of the Commission's Rules and Regulations, 47 C.F.R. § 1.46, hereby respectfully requests a brief, two-week, extension of time in which to submit exceptions to the *Initial Decision of Administrative Law Judge John M. Frysiak* in the captioned matter, in support whereof the following is respectfully shown:

1. Section 1.276 of the Commission's Rules provides that exceptions shall be filed within thirty days after the public release of an initial decision. 47 C.F.R. § 1.276. The initial decision in this matter was released on 28 November 1997. Accordingly, exceptions are due on or before Monday 29 December 1997.

2. While mindful of "the Commission's policy that extensions of time for filing exceptions shall not be routinely granted," 47 C.F.R. § 1.46(a)(1), Sobel nonetheless respectfully submits that the following factors justify a brief extension in this case: (a) the initial decision was released on the Friday after Thanksgiving, an unofficial long holiday weekend for many people, (b) the 1997 Christmas holiday occurs during the current thirty day filing period, and (c) the New Year holiday occurs immediately after the current due date. Because the initial decision was released during the Thanksgiving weekend, Sobel has already experienced a minor delay in circulating the document and commencing consultations with various persons in preparation for his appeal. It is reasonably anticipated that further delays will be occasioned by the upcoming holidays, particularly in view of the fact that Christmas falls on a Thursday

By: [Signature] 024

this year. Many of the persons on whom Sobel may need to rely may not be available during the several days immediately preceding the current filing deadline, and some may not be available for several days thereafter due to the New Years holiday. A two week extension would compensate for these intervening holidays without unduly or unreasonably delaying these proceedings.

3. Equity, if not procedural due process, dictates in favor of the requested extension. The initial decision recommends regulatory capital punishment for Sobel--i.e., his disqualification as a licensee, denial of all his pending applications, and revocation of all his licenses. Sobel uses these licenses as part of a sole proprietorship that is his only source of income at this time. Accordingly, Sobel's very livelihood is at stake in this case. An extremely high standard applies when the Commission opts for the "blunderbuss of disqualification."¹ It is respectfully submitted that the administrative inconvenience, assuming there is any, occasioned by a two week extension of time is insignificant when balanced against the obligation to afford Sobel and adequate opportunity to defend himself.

WHEREFORE, it is requested that time for filing exceptions to the *Initial Decision of Administrative Law Judge John M. Frysiak* be extended to and including Monday 12 January 1997.

Respectfully submitted,

MARC D. SOBEL D/B/A
AIRWAVE COMMUNICATIONS



By: Robert J. Keller
Its Attorney

Law Office of Robert J. Keller, P.C.
4200 WISCONSIN AVE NW #106-233
WASHINGTON DC 20016-2143

Telephone: 301-229-6875
Facsimile: 301-229-6875
Email: rjk@telcomlaw.com

Dated: 2 December 1997

¹ *WADECO, Inc. v. FCC*, 628 F2d 122, 133 (D.C. Cir. 1980) (Mikva, J., dissenting).

CERTIFICATE OF SERVICE

I, Robert J. Keller, counsel for Marc D. Sobel d/b/a Air Wave Communications, hereby certify that on this 2nd day of December, 1997, I caused copies of the foregoing *MOTION FOR EXTENSION OF TIME* to be sent by first class United States mail, postage prepaid, except as otherwise indicated below, to the presiding officer and the parties in WT Docket No. 97-56, as follows:

GARY SHCONMAN ESQ
JOHN SCHAUBLE ESQ
ENFORCEMENT DIVISION
WIRELESS TELECOMMUNICATIONS BUREAU
FEDERAL COMMUNICATIONS COMMISSION
2025 M STREET NW STE 8308
WASHINGTON DC 20554-0002

WILLIAM H KNOWLES-KELLTT ESQ
GETTYSBURG OFFICE OF OPERATIONS
WIRELESS TELECOMMUNICAITONS BUREAU
FEDERAL COMMUNIATIONS COMMISSION
1270 FAIRFIELD RD
GETTYSBURG PA 17325-7245

BARRY A FRIEDMAN ESQ
SCOTT A FENSKE ESQ
THOMPSON HINE & FLORY LLP
1920 N ST NW STE 800
WASHINGTON DC 20036-1601

Robert Kelle

Robert J. Keller
Counsel for Marc D. Sobel
d/b/a Air Wave Communications

ROBERT J. KELLER, P.C.
4200 Wisconsin Avenue, N.W. #106-233
Washington, DC 20016-2143

Telephone: 301-320-5355
Facsimile: 301-229-6875
Email: rjk@telcomlaw.com